

STATEMENT OF PURPOSE

RS19865

This bill creates an emergency surcharge to be paid by persons who commit crimes and infractions. The surcharge would enable the Judicial Branch, during the current financial crisis, to continue to fulfill its constitutional responsibilities and to provide services that benefit the people of the State of Idaho and help to reduce the burden on the state budget. Each person who is found guilty or pleads guilty to a criminal offense or infraction, committed between April 15, 2010, and June 30, 2013, would pay a fee for each offense or infraction. The fee for each felony offense would be \$100.00, the fee for each misdemeanor offense would be \$50.00, and the fee for each infraction would be \$10.00. Eighty percent (80%) of the fees collected would be deposited in the Drug Court, Mental Health Court and Family Court Services Fund, and twenty percent (20%) would be deposited in the Idaho Statewide Trial Court Automated Records System (ISTARS) Fund.

The Judicial Branch has participated fully in the budget holdbacks and has searched for innovative ways to provide court services more efficiently. Further cuts would gravely impair efforts to provide Idaho's citizens the justice to which they are constitutionally entitled, and to continue such beneficial programs as drug courts and mental health courts.

To prevent these consequences, the Judicial Branch proposes the adoption of court costs that will be dedicated to the needs of the courts, that will be paid by users of the courts who have committed offenses, and that will enable the courts to keep their doors open to continue to operate the programs that are more necessary than ever during these challenging times. The emergency surcharge will provide approximately an additional \$4.3 million to the dedicated funds, relieving the pressure on general fund dollars. The funds raised through the emergency surcharge will be used solely to continue court operations and to fund needed services and programs as provided by Idaho Code §§ 1-1623 and 1-1625.

This bill includes an emergency clause that will permit the application of the emergency surcharge to crimes and infractions occurring on or after April 15, 2010. It also provides, through what amounts to a sunset provision, that the emergency surcharge will not apply to offenses committed after June 30, 2013. This will permit further review over the next three years of the financial outlook and the needs of the Judicial Branch.

FISCAL NOTE

Based on figures from calendar year 2009 and expected collection rates, it is estimated that the emergency surcharge will generate approximately \$4,301,900 annually. Of this amount, \$3,441,500 will be deposited in the Drug Court, Mental Health Court and Family Court Services Fund, and \$860,400 in the ISTARS Fund.

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